

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Keyne Jean Villert	Team: Team # 3	CCRB Case #: 201409255	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 09/04/2014 5:30 PM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 3/4/2016	EO SOL 3/4/2016	
Date/Time CV Reported Sat, 09/06/2014 11:40 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 09/06/2014 11:42 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Felix Torres	04158	952297	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Antonio Gomes	13450	951773	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Felix Torres	Abuse: PO Felix Torres stopped § 87(2)(b)	
B.POM Felix Torres	Force: PO Felix Torres used physical force against § 87(2)(b)	
C.POM Felix Torres	Force: PO Felix Torres used a chokehold against § 87(2)(b)	
D.POM Felix Torres	Force: PO Felix Torres restricted the breathing of § 87(2)(b)	
E.POM Felix Torres	Force: PO Felix Torres used physical force against § 87(2)(b)	
F.POM Felix Torres	Abuse: PO Felix Torres threatened § 87(2)(b) with the use of force.	

### Case Summary

On September 4, 2014, at approximately 5:30 p.m., § 87(2)(b) and § 87(2)(b) were on the § 87(2)(b) in the Bronx when § 87(2)(b)'s dog ran up the stairs and onto the rooftop of the building via an open door. § 87(2)(b) approached the rooftop to retrieve the dog, and two officers, identified via investigation as PO Felix Torres and PO Antonio Gomes, both from the 46<sup>th</sup> Precinct, eventually approached him. At some point, PO Torres attempted to apprehend § 87(2)(b) and the two of them fell down from a stairwell onto its landing, which is located between the top floor and the rooftop (**Allegations A and B**). There, PO Torres allegedly punched § 87(2)(b) placed him in a chokehold, and restricted his breathing (**within Allegation B and Allegations C and D**). § 87(2)(b) eventually approached PO Torres, who was in the midst of apprehending § 87(2)(b) and was then allegedly pushed back by PO Torres (**Allegation E**). Soon thereafter, PO Torres allegedly stated to § 87(2)(b) "If you're a real man, come up the steps" (**Allegation F**). § 87(2)(b) was eventually transported to the 46<sup>th</sup> Precinct stationhouse and then released with two summonses.

§ 87(2)(b) was issued a summons for § 87(2)(b)

This case was originally assigned to Inv. Monique West, née Woods, on October 14, 2014. On December 30, 2014, this case was reassigned to the undersigned Case Closing Unit investigator.

### Mediation, Civil and Criminal Histories

- This case was not eligible for mediation because § 87(2)(b) and § 87(2)(b) allegedly sustained injuries as a result of this incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]
- On March 26, 2015, the undersigned investigator submitted to the New York City Office of the Comptroller an inquiry about the status of any potential notice of claim filed in regard to this incident. To date, no response has been received and any such response will be added to the case file upon its receipt.

### Civilian and Officer CCRB Histories

- PO Torres has been a member of the service for three years and this is the first CCRB complaint that has been filed against him (encl. B1).
- § 87(2)(b) and § 87(2)(b) have not previously filed a CCRB complaint (encl. B2-B3).

### Potential Issues

- Contact attempts to § 87(2)(b) and potential witnesses, via phone and mail, were unsuccessful.
- All follow-up contact attempts to § 87(2)(b) were unsuccessful.

### Civilian Statements

- **Complainant/Victim: § 87(2)(b) (encl. D5-D9 and E1-E10)**
  - § 87(2)(b) was § 87(2)(b) old at the time of the incident, and is 5'5" tall and weighs 140lbs. § 87(2)(b) reported having sustained pain and contusions to his left shoulder area as a result of this incident.
  - § 87(2)(b) instructed § 87(2)(b) to go to the rooftop and look for her dog there. § 87(2)(b) stood in front of the rooftop doorway, which was already open, but remained inside the building and did not step onto the rooftop. § 87(2)(b) leaned his head outside and then pulled it back.
  - PO Torres instructed § 87(2)(b) to come onto the rooftop and § 87(2)(b) then took a step back. PO Torres subsequently approached § 87(2)(b) grabbed him, and pushed him down the stairs, causing him to fall onto the stairwell landing between the top floor and rooftop. § 87(2)(b) landed face down and PO Torres fell on top of him, causing his chest to be compressed against the floor and thus restricting his breathing. § 87(2)(b) informed PO Torres of his difficulty breathing. PO Torres then moved § 87(2)(b) onto his back and ordered him to breathe.
  - § 87(2)(b) described his physical actions on the floor as moving away the arms of PO Torres, who had grabbed his shirt. § 87(2)(b) was then placed on his back, restrained there with a knee, and punched twice in the top of the head by PO Torres. § 87(2)(b) attempted to cover himself while being punched and was eventually handcuffed.
  - § 87(2)(b) walked up the stairs and approached § 87(2)(b) while he was still being apprehended. PO Gomes attempted to prevent § 87(2)(b) from walking up any further. § 87(2)(b) stood approximately two steps away from § 87(2)(b) at that point. After § 87(2)(b) was handcuffed, PO Torres pushed the upper arm of § 87(2)(b) causing her to stumble but not fall, and then ordered her to move back.
  - After § 87(2)(b) was handcuffed, PO Torres stated to § 87(2)(b) who had been cursing at PO Torres, "If you're a real man, come up the stairs."
- **Complainant/Victim: § 87(2)(b) (encl. D1-D4 and F1-F6)**
  - The rooftop door was kept open around the time of the incident. § 87(2)(b)'s dog ran up the stairs toward the rooftop. § 87(2)(b) instructed § 87(2)(b) to retrieve her dog. § 87(2)(b) went up the stairs toward the rooftop and looked out of the door for the dog, but did not step onto the rooftop.
  - PO Torres eventually grabbed § 87(2)(b) by the back of his t-shirt and threw him down the stairs, onto the middle landing of the stairwell. § 87(2)(b) landed face down. PO Torres then pressed a knee down onto the chest of § 87(2)(b) and punched him twice in the face, causing his head to strike the floor.
  - § 87(2)(b) landed face down, was moved onto his back, and then complained about his breathing being restricted, in this order. § 87(2)(b) did not mention that PO Torres fell onto § 87(2)(b).
  - § 87(2)(b) yelled at the officers and told them to release § 87(2)(b). § 87(2)(b) eventually stood on the stairs where the officers and § 87(2)(b) were. § 87(2)(b) placed one of her hands on the chest of PO Gomes and pled with

him to let her grab her dog, which was past the officers. PO Gomes was shielding PO Torres, who was apprehending § 87(2)(b)

- § 87(2)(b) alleged, in her sworn statement, that PO Torres then struck her with his left hand; however, she did not recall whether he did so with an open hand or closed fist. § 87(2)(b) added that she lost her balance, but did not fall, and sustained contusions and pain to her left shoulder as a result of the strike. § 87(2)(b) described the strike in her phone statement as a shove. § 87(2)(b) was eventually handcuffed.
- § 87(2)(b) did not know whether any civilian, other than herself and § 87(2)(b) was present during the incident, and she added that she did not pay attention to anyone who may have been behind her. § 87(2)(b) made no indication that PO Torres threatened anyone with the use of force, despite having provided a detailed account of this incident, including conversation during that time.

### **NYPD Statements**

- **Subject Officer: PO FELIX TORRES (encl. G1-G6)**

- PO Torres was § 87(2)(b) old at the time of the incident, and is 5'9" tall and weighs 175lbs.
- § 87(2)(b) stepped onto the rooftop, at which point PO Torres instructed him to stop. § 87(2)(b) then returned inside the building and started walking down the stairs at a fast pace. PO Torres eventually caught up with § 87(2)(b) and grabbed him.
- § 87(2)(b) attempted to flee and was on his way down when PO Torres grabbed him by the back of the shirt. § 87(2)(b) then fell down onto the landing in the middle of the stairwell; however, PO Torres did not know what prompted him to fall down. PO Torres did not remember having pulled § 87(2)(b) back.
- The surrounding crowd was hostile. § 87(2)(b) grabbed and pulled one of the legs of § 87(2)(b) during the apprehension. PO Torres then extended one of his arms out toward § 87(2)(b) making contact with one of her shoulders; however, he did not know whether that movement caused her to be pushed back. PO Torres also told § 87(2)(b) to stay away.
- PO Torres eventually restrained § 87(2)(b) and PO Gomes stood between them and the crowd. Later, § 87(2)(b) curled up, and then pushed PO Torres and stuck his legs out. PO Torres then punched § 87(2)(b) twice in the face, at which point § 87(2)(b) stopped resisting. A yelling and cursing crowd was present.
- Both PO Torres and § 87(2)(b) ended up on the landing after § 87(2)(b) fall. § 87(2)(b) fell down onto one of his sides. PO Torres did not specify whether he fell down with § 87(2)(b) PO Torres denied that § 87(2)(b) complained about his breathing being restricted.
- PO Torres denied having stated, "If you're a real man, come up the stairs." Multiple civilians either spoke with the officers or attempted to prevent the arrest of § 87(2)(b)

- **Witness Officer: PO ANTONIO GOMES (encl. H1-H4)**

- § 87(2)(b) stood on the rooftop when PO Torres instructed him to stop. § 87(2)(b) then ran back into the building and started going down the stairs. The officers chased after a fleeing § 87(2)(b) and PO Torres caught up with him in

the stairwell by grabbing one of his arms. PO Gomes did not remember § 87(2)(b) falling down. § 87(2)(b) then flailed his arms and pushed and punched PO Torres.

- PO Gomes denied having observed PO Torres punch § 87(2)(b) or § 87(2)(b) resist any further. PO Gomes denied having observed PO Torres press § 87(2)(b) chest against the floor. PO Gomes did not recall § 87(2)(b) down on the floor. PO Gomes denied having heard § 87(2)(b) complain about his breathing being restricted.
- Approximately five individuals grabbed and pulled § 87(2)(b) away. PO Gomes explained that he then stood between the individuals and § 87(2)(b) who was later handcuffed by PO Torres, in an effort to prevent them from interfering with the arrest. PO Gomes faced the crowd, away from § 87(2)(b) and PO Torres, during that time. PO Gomes denied having observed PO Torres interact with any civilian other than § 87(2)(b).
- PO Gomes did not recall hearing PO Torres state, “If you’re a real man, come up the stairs.” Multiple civilians either screamed or attempted to prevent the arrest of § 87(2)(b).

### Medical Records

- § 87(2)(b) medical records indicate that he visited § 87(2)(b) § 87(2)(b) complained that officers assaulted him when he went to retrieve a neighbor’s dog from the roof of his building. § 87(2)(b) added that he didn’t initially see the officers and was thus startled upon seeing them. § 87(2)(b) alleged that he was punched in the face, put in a chokehold, and that he sustained an abrasion to his left upper chest area and neck. X-rays of § 87(2)(b) revealed tenderness and abrasions over his left shoulder and clavicle. Redness and swelling were noted to his neck and left shoulder, and multiple abrasions were noted to his back. § 87(2)(b) was eventually released and prescribed ibuprofen (anti-inflammatory analgesic). (encl. MR23 – MR53).
- § 87(2)(b) s records indicate that she visited § 87(2)(b) § 87(2)(b) complained of pain to her neck, left shoulder and arm, and back. § 87(2)(b) explained that an officer swung at her and struck her on the left shoulder, which caused her to fall back. No visible injuries were noted and an x-ray of § 87(2)(b) revealed no acute findings, including swelling. (encl. MR1 – MR22).

### Police Documents

- The Roll Call lists PO Torres and PO Gomes as on-duty at the time of the incident (encl. K1-K14).
- The Command Log lists the physical condition of § 87(2)(b) as apparently normal at the time of his arrival at the stationhouse, and that he was released at 7:35 p.m. with summonses (encl. J4).
- The summonses indicate that PO Torres issued a summons for § 87(2)(b) and another for § 87(2)(b). The § 87(2)(b) summons lists that § 87(2)(b) was knowingly and intentionally on the rooftop of the incident location without permission or authority to do so. The summons also indicates that § 87(2)(b) stated, “I went on the roof to get my dog.” The § 87(2)(b) summons lists that § 87(2)(b) pushed, kicked, and flailed

his arms at PO Torres, who was attempting to place him in handcuffs. § 87(2)(b) is listed as 5'5" tall and 140 lbs. (encl. L1-L4).

- The Internal Affairs Bureau (IAB) indicated that, according to the 46<sup>th</sup> Precinct Assistant Integrity Control Officer (ICO), the incident location is not on file as being part of the Clean Halls Program (encl. R2). However, as mentioned below, the owner of the building indicated to the Bronx District Attorney's Office that the incident location was part of the Clean Halls Program at the time of the incident.

### **Additional Evidence**

- On March 30, 2015, Supervisor of Investigators Edwin Peña called § 87(2)(b) mother, § 87(2)(b), who stated that there are alarms within the incident location that go off whenever one attempts to access the rooftop; however, she did not know whether the alarm for the door involved in this case was functioning at the time of the incident.
- On November 17, 2014, Inv. West conducted field work at the incident location and noted that there were multiple signs outside and inside of the building designating the location as enrolled in the Clean Halls Program and indicating that trespassing is prohibited.
- On April 3, 2015, the undersigned investigator conducted field work and visited the incident location with the superintendent of the building, § 87(2)(b). During that time, the undersigned investigator noticed that no sign outside or inside of the building indicates that access to the rooftop is prohibited. § 87(2)(b) confirmed that no such signs exist; however, he explained that access to the rooftop is nevertheless prohibited. § 87(2)(b) explained that there are motion-sensors that trigger an alarm whenever a person walks up the stairs that give direct access to the rooftop, but that the one closest to § 87(2)(b) where the incident occurred, was not functioning at the time of the incident. The undersigned investigator noted that the rooftop did not show any indication that it was intended for recreational purposes. (encl. C1-C10).
- On April 14, 2015, the undersigned investigator spoke with an assistant district attorney for Bronx County who stated that the owner of the building, from the time of the incident, systematically enrolls each of his buildings in the Clean Halls Program.

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

§ 87(2)(b) and § 87(2)(b) provided a description of the subject officer, including his name, which closely matches PO Torres. Also, PO Torres admitted to being the officer who struggled with and apprehended § 87(2)(b).

#### **Allegation Not Pleaded**

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

**Allegation A – Abuse of Authority: PO Felix Torres stopped** § 87(2)(b)

§ 87(2)(b) stated that, after § 87(2)(b)'s dog ran onto the rooftop through an open door, he stood on the landing right behind the rooftop door and looked for the dog by placing his head outside for a brief moment. § 87(2)(b) denied having stepped onto the rooftop. § 87(2)(b) added that an officer then instructed him to come onto the rooftop, at which point he took a step back and saw PO Torres who then grabbed him (E1-E3).

§ 87(2)(b) corroborated that the rooftop door was kept open around the time of the incident and that her dog had run up the stairs toward the rooftop. § 87(2)(b) stated that she instructed § 87(2)(b) to go get her dog and that he then went up the stairs. § 87(2)(b) also corroborated that § 87(2)(b) looked out of the door for the dog without actually stepping onto the rooftop. § 87(2)(b) further corroborated that PO Torres eventually grabbed § 87(2)(b) (encl. F1-F4).

PO Torres stated that § 87(2)(b) stepped onto the rooftop, at which point PO Torres instructed him to stop. PO Torres explained that § 87(2)(b) then returned inside the building and started walking down the stairs at a fast pace. PO Torres added that he eventually caught up with § 87(2)(b) and grabbed him (encl. G1-G6).

PO Gomes corroborated that § 87(2)(b) was standing on the rooftop when PO Torres instructed him to stop. PO Gomes also corroborated that § 87(2)(b) then ran back into the building and started going down the stairs when PO Torres grabbed him (encl. H1-H4).

§ 87(2)(b) and § 87(2)(b) confirmed that there are alarms within the building that go off whenever one attempts to access the rooftop. However, § 87(2)(b) stated that the alarm for the rooftop door involved in this case was not functioning at the time of the incident.

The 46<sup>th</sup> Precinct Assistant ICO indicated, via IAB, that the incident location was not participating in the Clean Halls Program. However, field work conducted by both Inv. West and the undersigned investigator revealed that the incident location has signage, both inside and outside, designating it as a participant of the Clean Halls Program. Furthermore, information from the Bronx District Attorney's Office confirmed, through the owner of the incident location, that the building was enrolled in the Clean Halls Program at the time of the incident.

According to Patrol Guide Procedure 212-59, officers are allowed to conduct vertical patrols of private buildings, including their rooftops, enrolled in the NYPD Trespass Affidavit Program in an effort to prevent, detect, and take necessary enforcement action regarding illegal activity (encl. A1-A3).

The Court of Appeals of New York held in People v. Debour, 40 N.Y.2d 210 (1976), that officers can forcibly stop and detain an individual based on a reasonable suspicion that he has committed, is committing, or is about to commit a crime. Moreover, the court also held that officers may arrest a person when they have probable cause to believe that person has committed a crime, or offense, in their presence. (encl. A4-A14).

In People v. Almonte, 30 Misc. 3d 1234A (Sup. Ct., Bronx Co. 2011), the court indicated that officer-civilian encounters within buildings enrolled in the NYPD Trespass Affidavit Program, or Clean Halls Program, are predicated by the requirements specified in Debour (encl. A15-A16).

Lastly, People v. Moore, 93 A.D.3d 519 (1<sup>st</sup> Dept. 2012), held that an interaction is raised to a seizure whenever physical force is used, or if none is used, the person is submitted to the assertion of authority (encl. A17-A19).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation B – Force: PO Felix Torres used physical force against § 87(2)(b)**

It is undisputed that PO Torres punched § 87(2)(b) after PO Gomes stood in-between them and the crowd, keeping it away from the arrest.

§ 87(2)(b) stated that he first stood on the top step of the staircase and then took a step back when PO Torres instructed him to come onto the rooftop. § 87(2)(b) explained that PO Torres then grabbed his left arm and pushed him down, causing him to fall down onto the landing between the top floor and rooftop. § 87(2)(b) added that PO Torres landed on top of his back, causing his chest to be pressed against the floor. § 87(2)(b) stated that PO Torres grabbed him by the shirt, at which point § 87(2)(b) moved the hands of PO Torres away. § 87(2)(b) further explained that PO Torres then placed him on his back, kned him in the chest once, and punched him in the top of the head twice. § 87(2)(b) attempted to cover himself during that time and was eventually handcuffed (encl. E1-E3).

§ 87(2)(b) alleged that, when § 87(2)(b) was looking out the rooftop door, PO Torres grabbed the back of his t-shirt and threw him down the stairs onto the middle landing of the staircase. § 87(2)(b) explained that PO Torres then pressed a knee down onto the chest of § 87(2)(b) and punched him twice in the face, causing his head to strike the floor (encl. F1-F4).

PO Torres explained that § 87(2)(b) attempted to flee and was on his way down when PO Torres grabbed him by the back of the shirt. § 87(2)(b) then fell down onto the landing in the middle of the stairwell; however, PO Torres did not know what prompted him to fall down. PO Torres did not remember having pulled § 87(2)(b) back. PO Torres added that, while on the floor, § 87(2)(b) curled up, and then pushed PO Torres and stuck his legs out. PO Torres admitted to then punching § 87(2)(b) twice in the face, at which point § 87(2)(b) stopped resisting. PO Torres further added that a yelling and cursing crowd was present, and that, during the struggle, § 87(2)(b) physically pulled § 87(2)(b) in attempt to move him away from the officers (encl. G1-G6).

PO Gomes corroborated that the officers chased after a fleeing § 87(2)(b) and that PO Torres caught up with him in the stairwell. PO Gomes stated that PO Torres grabbed one of the arms of § 87(2)(b) however, he did not remember § 87(2)(b) falling down. PO Gomes added that § 87(2)(b) then flailed his arms and pushed and punched PO Torres. PO Gomes corroborated that the crowd attempted to take § 87(2)(b) away from the officers. PO Gomes denied having observed PO Torres punch § 87(2)(b) or § 87(2)(b) resist any further. PO Gomes explained that he faced the crowd, away from § 87(2)(b) and PO Torres, to keep it from interfering with the arrest (encl. H1-H4).



According to Patrol Guide Procedure, 203-11 (encl. A20-A21), only that amount of force necessary to overcome resistance will be used to effect an arrest, or to take an emotionally disturbed person into custody.

Additionally, PD v. Danahy, OATH Index No. 1923/00 (2000), held that an officer used excessive force against a flailing civilian, who was down on the floor, by striking him with his fists and with a blunt object. It explained that the civilian did not resist with the kind of force that would have justified the use of strikes by the officer. (encl. A22-A39).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation C – Abuse of Authority: PO Felix Torres used a chokehold against** § 87(2)(b)

§ 87(2)(b)

**Allegation D – Force: PO Felix Torres restricted the breathing of** § 87(2)(b)

§ 87(2)(b) stated that, after PO Torres pushed him down the stairs, he fell down, face down, onto the stairwell landing between the fifth floor and rooftop with PO Torres. § 87(2)(b) explained that PO Torres fell onto his back, causing a compression to his chest against the floor and thus a restriction of his breathing. § 87(2)(b) added that he informed PO Torres of his difficulty breathing and that PO Torres then moved him onto his back. § 87(2)(b) further added that PO Torres ordered him to breathe (encl. E1-E3).

§ 87(2)(b) stated that § 87(2)(b) landed face down, that he was moved onto his back, and that he complained about his breathing being restricted, in this order. § 87(2)(b) did not mention that PO Torres fell onto § 87(2)(b) (encl. F1-F4).

PO Torres corroborated that both he and § 87(2)(b) ended up on the landing after § 87(2)(b) fall. PO Torres stated that § 87(2)(b) fell down onto one of his sides. PO Torres did not specify whether he fell down with § 87(2)(b). PO Torres denied that § 87(2)(b) complained about his breathing being restricted (encl. G1-G6).

PO Gomes denied having observed PO Torres press § 87(2)(b) chest against the floor. PO Gomes did not recall § 87(2)(b) down on the floor. PO Gomes denied having heard § 87(2)(b) complain about his breathing being restricted (encl. H1-H4).

§ 87(2)(b) stated to medical personnel that he was placed in a chokehold during the incident. He did not allege this in his CCRB statement and was not explicitly asked about it. Follow-up contact attempts to § 87(2)(b) to get more details about this were unsuccessful.

§ 87(2)(g)

§ 87(2)(g)

#### **Allegation E – Force: PO Felix Torres used physical force against § 87(2)(b)**

§ 87(2)(b) admitted to yelling at the officers and telling them to release § 87(2)(b). § 87(2)(b) explained that § 87(2)(b) was then handcuffed and that she eventually stood on the stairs where the officers and § 87(2)(b) were. § 87(2)(b) also admitted to placing one of her hands on the chest of PO Gomes and pleading with him to let her grab her dog which was past the officers. § 87(2)(b) explained that PO Gomes was shielding PO Torres who was apprehending § 87(2)(b). § 87(2)(b) alleged, in her sworn statement, that PO Torres then struck her with his left hand; however, she did not recall whether he did so with an open hand or closed fist. § 87(2)(b) added that she lost her balance, but did not fall, and sustained contusions and pain to her left shoulder as a result of the strike. § 87(2)(b) described the strike in her phone statement as a shove (encl. E1-E3).

§ 87(2)(b) stated that § 87(2)(b) walked up the stairs and approached him while he was being apprehended. § 87(2)(b) added that PO Gomes attempted to prevent § 87(2)(b) from walking up any further. § 87(2)(b) estimated that § 87(2)(b) stood two steps away from § 87(2)(b) at that point. § 87(2)(b) explained that, after he was handcuffed, PO Torres pushed the upper arm of § 87(2)(b) causing her to stumble but not fall, and then ordered her to move back (encl. F1-F4).

PO Torres described the surrounding crowd as hostile and added that § 87(2)(b) grabbed and pulled one of the legs of § 87(2)(b) during the apprehension. PO Torres admitted to then extending his arm out toward § 87(2)(b) making contact with one of her shoulders, and telling her to stay away; however, he did not know whether that movement caused her to be pushed back (encl. G1-G6).

PO Gomes stated that approximately five individuals grabbed and pulled § 87(2)(b) away. PO Gomes explained that he then stood between the individuals and § 87(2)(b) who was later handcuffed by PO Torres, in an effort to prevent them from interfering with the arrest. PO Gomes denied having observed PO Torres interact with any civilian other than § 87(2)(b) (encl. H1-H4).

§ 87(2)(b)'s medical records reveal that no sign of injury was found on her. They also reveal that § 87(2)(b) complained about having been struck, which resulted in her fall.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation F – Abuse of Authority: PO Felix Torres threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that, after he was handcuffed, PO Torres stated to § 87(2)(b) who had been cursing at PO Torres, “If you’re a real man, come up the stairs” (encl. E1-E3).

§ 87(2)(b) did not know whether any civilian, other than herself and § 87(2)(b) was present during the incident, and she added that she did not pay attention to anyone who may have been behind her. § 87(2)(b) made no indication that PO Torres made the alleged threat, despite having provided a detailed account of this incident, including conversation during that time (encl. F1-F4).

All contact attempts to § 87(2)(b) were unsuccessful.

PO Torres denied having made the alleged threat, and PO Gomes did not recall hearing PO Torres make it. However, PO Torres and PO Gomes both corroborated that multiple civilians either spoke with the officers or attempted to prevent the arrest of § 87(2)(b) (encl. G1-G6 and H1-H4).

§ 87(2)(g)

§ 87(2)(g)

Team: 3

Investigator: \_\_\_\_\_ Keyne Jean Villert \_\_\_\_\_

	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date